



Attorney Docket No. 0000000002US

PATENT/OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Matthew WARDEN et al. :
Serial No.: 10/600,368 : Group Art Unit: 3731
Filed: June 23, 2003 : Examiner: Michael G. MENDOZA
For: Method and Instrument for Thermal Suture Cutting

MAIL STOP ISSUE FEE

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON EXAMINER'S STATEMENT
OF REASONS FOR ALLOWANCE

Sir:

Applicants gratefully acknowledge the Notices of Allowance and Allowability dated December 29, 2005 for the above-captioned patent application. An Examiner's Statement of Reasons for Allowance was appended to the Notice of Allowability. However, Applicants have the following comments.

The patentability of the claimed combinations is not limited to the particular subset of features identified in the Statement, but rather it is the entire combination of elements and/or steps in the claims, each taken as a whole, that are patentable over the prior art, both taken alone and in hypothetical combination.

Date: 03/28/06

Respectfully submitted,

SMITH PATENT CONSULTING, LLC
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By: Chalin A. Smith

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CUSTOMER NUMBER 31,496



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TRANSMITTAL LETTER

Dear Sir:

Please find the following correspondence items submitted for filing on March 28, 2006 by hand delivery to the United States Patent and Trademark Office Customer Service Window located at the Randolph Building, 401 Dulany Street, Alexandria, VA, 22314:

1. Issue Fee Transmittal (1 page)
2. Two sets of Formal Drawings with cover letter, copy of PTO-948 (28 pages);
3. Comments on Reasons for Allowance (1 page); and
4. Check No. 1483 in the amount of \$1,703.00.

Respectfully submitted,

Date: 03/28/06

By

A handwritten signature in black ink.

Chalin A. Smith
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Registration No. 41,569

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CUSTOMER NUMBER: 31496



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FORMAL DRAWINGS

Sir:

Applicants submit herewith two sets of formal drawings (thirteen sheets each: Figures 1-13) in compliance with 37 C.F.R. 1.84. Applicants also submit a copy of the PTO-948, Notice of Draftsperson's Patent Drawing Review. Applicants submit that this filing is timely and that no additional fee is required. However, in the event that additional fees are required, the Commissioner is authorized to charge such fees to our Deposit Account No. 50-2101.

Respectfully submitted,

Date: 03/28/06

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By

Chalin A. Smith
Attorney for Applicant
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CUSTOMER NUMBER: 31496



NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 8/2/05 6/23/03 are:

A approved by the Draftsperson under 37 CFR 1.84 or 1.152.
B objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

1. **DRAWINGS.** 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).
 - Color drawings are not acceptable until petition is granted. Fig(s) _____
 - Pencil and non black ink not permitted. Fig(s) _____
2. **PHOTOGRAPHS.** 37 CFR 1.84(b)
 - One (1) full-tone set is required. Fig(s) _____
 - Photographs may not be mounted. 37 CFR 1.84(e)
 - Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s) _____
 - Poor quality (half-tone). Fig(s) _____
3. **TYPE OF PAPER.** 37 CFR 1.84(c)
 - Paper not flexible, strong, white, and durable. Fig(s) _____
 - Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s) _____
4. **SIZE OF PAPER.** 37 CFR 1.84(f): Acceptable sizes:
 - 21.0 cm by 29.7 cm (DIN size A4) or 21.6 cm by 27.9 cm (8 1/2 x 11 inches)
 - All drawing sheets not the same size.
 - Sheet(s) _____
 - Drawings sheets not an acceptable size. Fig(s) _____
5. **MARGINS.** 37 CFR 1.84(g): Acceptable margins: Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm
 - Margins not acceptable. Fig(s) _____
 - Top (T) _____ Left (L) _____
 - Right (R) _____ Bottom (B) _____
6. **VIEWS.** 37 CFR 1.84(h)
REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings, must likewise be changed.
 - Views not labeled separately or properly. Fig(s) _____
7. **SECTIONAL VIEWS.** 37 CFR 1.84(h)(3)
 - Sectional designation should be noted with Arabic or Roman numbers. Fig(s) _____
8. **ARRANGEMENT OF VIEWS.** 37 CFR 1.84(i)
 - Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) _____
9. **SCALE.** 37 CFR 1.84(k)
 - Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s) _____
10. **CHARACTER OF LINES, NUMBERS, & LETTERS.** 37 CFR 1.84(l)
 - Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s) 3,78,11-13
11. **SHADING.** 37 CFR 1.84(m)
 - Solid black areas pale. Fig(s) _____
 - Solid black shading not permitted. Fig(s) _____
12. **NUMBERS, LETTERS, & REFERENCE CHARACTERS.** 37 CFR 1.84(p)
~~CHARACTERS.~~ 37 CFR 1.84(p)
 - Numbers and reference characters not plain and legible. Fig(s) 1-13
 - Figure legends are poor. Fig(s) F-13
 - Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s) _____
 - English alphabet not used. 37 CFR 1.84(p)(2) Fig(s) _____
 - Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s) _____
13. **LEAD LINES.** 37 CFR 1.84(q)
 - Lead lines missing. Fig(s) _____
14. **NUMBERING OF SHEETS OF DRAWINGS.** 37 CFR 1.84(t)
 - Sheets not numbered consecutively, and in Arabic numbers beginning with number 1. Sheet(s) _____
15. **NUMBERING OF VIEWS.** 37 CFR 1.84(u)
 - Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____
16. **DESIGN DRAWINGS.** 37 CFR 1.152
 - Surface shading shown not appropriate. Fig(s) _____
 - Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s) _____

COMMENTS:

Reviewer JM

If you have questions, call (703) 305-8404

Date 12/21/05
Attachment to Paper No. _____

BEST AVAILABLE COPY